

Powys County Council

Standards Committee Annual report 2022-23

Chair's statement

(NB - to be added to the final report)

Introduction

The Local Government Act 2000 requires Councils to establish a Standards Committee to promote and maintain high standards of conduct and probity in the conduct of Councillors. The Local Government & Elections (Wales) Act 2021 introduced a mandatory requirement for Standards Committees to present an annual report to full Council. This statutory report must describe how the Committee has discharged its functions during the previous year and must include a summary of any reports, actions or recommendations made or referred to the Committee. Full Council must consider the Committee's annual report within three months from receiving the report.

Membership of the Standards Committee and Community Sub-Committee

The Committee comprises five Independent (Lay) Members together with four County Councillors. The Committee has a Sub-Committee dealing with all standards relating to town and community councillors. The five Independent (Lay) Members sit on this Community Sub-Committee together with one of the County Councillors on the main Standards Committee and three town community councillors, one from each area Brecknockshire, Radnorshire and Montgomeryshire.

The Chair and Vice Chair of the Standards Committee must be appointed from amongst the independent lay members.

The membership of the Committees during 2022-2023 was as follows:

Standards Committee:

Independent (Lay) Members:

- Stephan Hays, Chair
- Claire Moore, Vice Chair
- Jonathan Goolden
- Russell Stafford-Tolley
- Nigel Steward

County Councillors:

- Councillor Matt Beecham [resigned 19 January 2023]
- Councillor Iain McIntosh
- Councillor Liz Rijnenberg

Standards Community Sub-Committee:

Independent (Lay) Members: as above

County Councillors:

- Councillor Liz Rijnenberg

Town and Community Councillors:

- Councillor Nigel Dodman
- Councillor Richard White
- Vacancy

Principles of public life

The ten general principles of public life based on the principles originally set down by the Nolan Committee in 1995 are detailed in Appendix 1.

Role of the Committees

The Standards Committee has a role in respect of the 68 councillors and the Co-opted members of Powys County Council.

The role of the Standards Committee in relation to County Councillors and Co-opted Members of the County Council, as laid down in the Local Government Act 2000 and the Local Government and Elections (Wales) Act 2021, is as follows:

- (1) promoting and maintaining high standards of conduct by councillors and co-opted members and
- (2) assisting the councillors and co-opted members to observe the Members' Code of Conduct.

In particular the Committee has the following specific functions:

- (3) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (4) monitoring the operation of the Members' Code of Conduct; and
- (5) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.

In addition, the Committee also:

- (i) grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- (ii) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- (iii) oversee the Council's "Whistle-blowing" regime.
- (iv) providing advice to individual councillors on such issues as the treatment of personal interest and on conduct matters generally.
- (v) determine appropriate action on matters referred to it by the Public Services Ombudsman.
- (vi) overseeing the Register of Interest of Members and co-opted members.
- (vii) overseeing the Council's rules and protocols on accountability of members.
- (viii) overseeing the attendance of Members and Co-opted Members at committees.
- (ix) overseeing the training of Members serving on all committees of the Council.

- (iix) ensuring group leaders have access to advice and training to support them in duties to promote and maintain high standards of conduct and to monitor group leaders' compliance with those duties.
- (iiix) after the end of each financial year make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council.

The Standards Community Sub-Committee has a role in respect of the 1041 community councillors on the 110 town and community councils in Powys. In respect of town and community councillors the Sub-Committee has a role in respect of 1 – 5 and (i) and (ii) above.

The Committee's Work in 2022-2023

Code of Conduct training – after the Council election in May 2022 all councillors and co-opted members completed the mandatory training.

Dispensations – the Committees consider general dispensations and agreed that dispensations for the following issues will remain in place until the first meeting of the Committees after the next election in 2027 unless the Committees revoke, amend or alter the dispensation.

Dispensations for county councillors:

- School Modernisation and School Transport Reviews
- Renewable Energy
- School Governors
- Membership of Voluntary Organisations
- Lobbying - Principles regarding applications for dispensation relating to
- lobbying
- Spare Room Subsidy ("Bedroom Tax")
- Single Farm Payments
- Wool Production
- Farming and agriculture

Dispensations for town and community councillors:

- School Modernisation and School Transport Reviews
- Renewable Energy
- School Governors
- Membership of Voluntary Organisations

The Committees also agreed to delegate non-controversial applications for dispensation to the Chair and Vice-Chair of the Standards Committee in consultation with the Monitoring Officer to grant a temporary dispensation subject to confirmation at the Standards Committees.

Complaints of breach of the Code of Conduct – the Committees receive reports on the complaints made to the Public Service Ombudsman for Wales (PSOW) and the status of the complaints. (NB - The data on the number of complaints will be added to the final report)

The Committees receive links to the Ombudsman's [Ombudsman Wales - Our Findings](#), which is updated on a monthly basis.

Recommendations made by the Public Service Ombudsman for Wales (PSOW) or Adjudication Panel for Wales – a complaint regarding a former County councillor was referred by the Ombudsman for consideration by the Standards Committee. (NB an update will be added after the outcome of the Standards hearing)

National Standards Committee Forum (NB details to be added to final report)

Annual meeting with Political Group Leaders (NB details to be added to final report)

Committee meetings and attendance record of the Committee and Sub-Committee members - Details of meetings and attendances are provided in Appendix 2

Future work priorities

The Committee has developed a Work Programme (Appendix 3) identifying work to be considered at each meeting. (NB – to be added to the final report) The Programme is updated at each meeting.

Conduct of Members – The Principles¹ [Extract from the Council Constitution]

SELFLESSNESS

18.2.1 Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

HONESTY

18.2.2 Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

INTEGRITY AND PROPRIETY

18.2.3 Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

DUTY TO UPHOLD THE LAW

18.2.4 Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

STEWARDSHIP

18.2.5 In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

OBJECTIVITY IN DECISION-MAKING

18.2.6 In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

EQUALITY AND RESPECT

18.2.7 Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

OPENNESS

18.2.8 Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

¹ The Conduct of Members (Principles) (Wales) Order 2001 – S.I. 2276

ACCOUNTABILITY

18.2.9 Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

LEADERSHIP

18.2.10 Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

Protocol - Standard of Conduct Expected by Members

18.3 This protocol sets out the standards of conduct expected from Members within Powys County Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct ²and the Member-Officer Protocol³. It adds to these documents and does not detract from them.

Members are expected:

PUBLIC BEHAVIOUR

- 18.3.1.1 to show respect to each other;
- 18.3.1.2 not to make personal abusive comments about each other;
- 18.3.1.3 not to publish anything insulting about each other;
- 18.3.1.4 not to make malicious allegations against each other;
- 18.3.1.5 not to publish or spread any false information about each other;
- 18.3.1.6 to show respect to diversity and equality;

BEHAVIOUR IN MEETINGS

- 18.3.2.1 to behave with dignity;
- 18.3.2.2 to show respect to the Chair and obey his/her decisions;
- 18.3.2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

CONFIDENTIALITY

- 18.3.3.1 to keep the confidentiality of exempt papers and any other documents which are not public;
- 18.3.3.2 not to release confidential information to the press or the public;
- 18.3.3.3 not to use confidential information for purposes other than intended;

LOCAL MEMBERS

- 18.3.4.1 to work with Members of adjoining electoral divisions for the benefit of the locality;
- 18.3.4.2 if dealing with any matter relating to another electoral division:
 - to explain to anyone seeking assistance that he/she is not the local Member;

² See Section 18.1 above.

³ See Section 21.

- to inform the local Member, unless it would lead to a breach of confidentiality.

Attendance record – (NB final details will be added to the final report)

The Committees usually meet on a quarterly basis with ad hoc meetings held as required. Standards Community Sub-Committee meetings follow the Standards Committee meetings.

The meetings in 2022-2023 were as follows:

17 November 2022 – Standards Committee only

5 December 2022

8 February 2023

In addition, the Standards Committee met on 15 July 2022, 27 January 2023 and xx to consider a referral of a complaint from the PSOW. Attendance at these meetings are indicated as “plus” in the table below.

Standards Committee Member	Attendance at Standards Committee	Attendance at Standards Community Sub-Committee
Stephan Hays, Chair		
Claire Moore, Vice Chair		
Jonathan Goolden		
Russell Stafford-Tolley		
Nigel Steward		
Councillor Matt Beecham		N/A
Councillor Iain McIntosh		
Councillor Liz Rijnenberg		N/A
Town/Community Councillor Nigel Dodman	N/A	
Town/Community Councillor Richard White	N/A	
Town/Community Councillor - vacancy	N/A	

Appendix 3

Work Programme

Add in programme

Appendix 4

Helpful Contacts – do you want to include these?

Stephan Hays, Chair of Standards Committee – contact via the Head of Legal and Monitoring Officer

Clive Pinney, Head of Legal and Monitoring Officer - email address

Public Services Ombudsman for Wales – add website

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- (2) monitoring the operation of the Members' Code of Conduct; and
- (3) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.

In addition, the Committee will also:-

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- (ii) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
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- (v) determine appropriate action on matters referred to it by the Public Services Ombudsman.
- (vi) overseeing the Register of Interest of Members and co-opted members.
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- (viii) overseeing the attendance of Members and Co-opted Members at committees.

- (ix) overseeing the training of Members serving on all committees of the Council;

- (ix) ensuring group leaders have access to advice and training to support them in duties to promote and maintain high standards of conduct and to monitor group leaders' compliance with those duties

- (iiix) after the end of each financial year make an annual report to the authority describing how the committee's functions have been discharged during the financial year and setting out an overview of conduct matters within the council.